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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,082	03/08/2001	Frank F. Schmeyer	35352.0181/1	5338
25541	7590	12/14/2005	EXAMINER	
NEAL, GERBER, & EISENBERG SUITE 2200 2 NORTH LASALLE STREET CHICAGO, IL 60602			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/802,082	SCHMEYER, FRANK F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL LASTRA	3622	

**All Participants:**

**Status of Application:** Non Final

(1) DANIEL LASTRA.

(3) \_\_\_\_\_.

(2) MICHAEL A. CARRILLO.

(4) \_\_\_\_\_.

**Date of Interview:** 6 December 2005

**Time:** 1:30

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☐ No  
 If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

17

Prior art documents discussed:

*Walker (US 6,327,573)*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

5. The Applicant's representative argues that Walker discusses a system that uses a frequent shopper card and the Applicant's representative argues that this is very different from the subject invention and contrary to one of the bases of the Applicant's subject invention, namely, not having to present a discount card. The Examiner answers that Walker teaches in column 19, lines 25-45 "the frequent shopper card comprises a credit card, which may be an affinity card associated with a particular establishment or a standard credit card". Therefore, contrary to Applicant's argument, in Walker, the frequent shopper card is not necessary a discount card. The Applicant argues that Walker does not teach the limitation "comparing credit card transactional information gathered when customers perform transaction at the business with the information indicative of the credit card of the consumer to determine if the consumer performed a transaction at the business" because Walker does not teach said comparing as described in Applicant's specification page 4, line 20 - page 5, line 9; page 6, line 7 - page 7, line 3; page 30, line 21 - page 31, line 12. The Examiner answers that Applicant's specification only teaches that to become eligible to participate in the rewards programs, consumers' registration will include a major credit number that when said consumer uses the registered credit card at a member restaurant, all or part of the credit card transaction is examined to determine if the member dined at the member restaurant and if so, whether the member consumer has fulfilled the requirements of the incentive program of the member restaurant. Therefore, Applicant's specification teaches the use of a credit card for purpose of identification and to determine if a consumer qualifies for a reward. Walker teaches in column 19, lines 25-45 the use of a standard credit card for purpose of consumer's identification and to determine if said consumer qualifies for a reward, similar to Applicant's claimed invention. The Applicant argues that contrary to his claimed invention, the Walker system is limited to being used in stores that are affiliated with one another and connected to the same computer system in order to retrieve information from that system. The Examiner answers that Applicant is arguing about limitations that are not stated in the claims.